REMARKS/ARGUMENTS

I. STATUS OF CLAIMS

Claims 1-39 remain in this application. Claims 1, 5, 20, 24, 38, and 39 have been amended. It should be noted that Applicant has elected to amend said Claims solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals, 65 Fed. Reg. 54603 (9/8/00). In making this amendment, Applicant has not and does not in any way narrow the scope of protection to which Applicant considers the invention herein to be entitled and does not concede, in any way, that the subject matter of such Claims was in fact taught or disclosed by the cited prior art. Rather, Applicant reserves Applicant's right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

II. CLAIM OBJECTIONS

The Office Action has objected to Claim 39 because of duplicate numbering. Applicant has amended the first Claim 39 to be Clam 38. There are 39 claims. Therefore, Applicant respectfully requests that the Examiner withdraw the objection.

III. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 1-7, 10-12, 20-26, 30, 31 and 40 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,057,874 to Michaud. The rejection is respectfully traversed.

Applicant notes that Claim 40 is in actuality Claim 39. Claims 1, 20, and 39 have been amended to clarify the claimed elements and appear as follows:

1. A method for providing control of a set-top box with infrared (IR) signals, comprising the steps of:

providing an IR control database residing on a local mass storage system in a set-top unit, wherein said IR control database contains a plurality of IR control entries;

providing an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database; and

controlling said set-top box with said IR control packet.

20. An apparatus for providing control of a set-top box with an IR signal, comprising:

a local mass storage system in a set-top unit;

an IR control database residing on said mass storage system wherein said IR control database contains a plurality of IR control entries;

an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database; and

a transmitter that controls said set-top box by transmitting said IR control packet thereto.

39. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform a method for controlling a set-top box with an IR signal, said method comprising the steps of:

providing an IR control database for residence on a local mass storage system in a set-top unit;

receiving an IR control entry to create a received IR control entry;

inserting said received IR control entry into said IR control database to create a first IR control entry of said IR control database;

providing an IR control packet, wherein said IR control packet is generated from a first IR control entry of said IR control database;

providing control to said set-top box by serial transmission of said IR control packet;

providing a raw IR control library residing on said mass storage system, wherein said raw IR control library contains a first raw IR control entry;

parsing said first raw IR control entry of said raw IR control library to create a processed first IR control entry;

communicating said processed first IR control entry to create said first IR control entry of said IR control database;

providing a corrections-additions database residing on said mass storage system, wherein said corrections-additions database contains a first correction data entry; and

parsing said first correction data entry and said first raw IR control entry to create said processed first IR control entry, wherein said IR control database contains at least one IR control entry.

In particular, Michaud does not teach or disclose a system that provides an IR control database residing on a local mass storage system in a set-top unit, wherein said IR control database contains a plurality of IR control entries as claimed in Claims 1, 20, and 39. Michaud teaches away from such a system by teaching that a remote headend of a CATV system stores a database of information related to all VCRs and continuously transmits the entire database in the VBI of a specific broadcast channel (col. 3, line 4-col. 4, line 13). The settop terminal tunes to the broadcast channel and saves **only** the VCR codes for the selected VCR model number (col. 4, lines 45-59). This is not what is claimed in Claims 1, 20, and 39. Michaud does not contemplate that an IR control database resides on a local mass storage system in a set-top unit and contains a plurality of IR control entries as claimed in Claims 1, 20, and 39.

Further, with respect to Claim 39, neither Perlman nor Michaud teach or disclose a system that provides a corrections-additions database residing on said mass storage system, wherein said corrections-additions database contains a first correction data entry and parses said first correction data entry and said first raw IR control entry to create said processed first IR control entry, wherein said IR control database contains at least one IR control entry as claimed in Claim 39. Neither reference contemplates such a system.

Therefore, Perlman in view of Michaud does not teach or disclose the invention as claimed.

Claims 1, 20, and 39 are in allowable condition. Claims 2-7, 10-12, and 21-26, 30, 31, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

IV. CLAIM REJECTIONS – 35 U.S.C. § 103

The Office Action rejected Claims 8, 9, 13-19, 27, 28 and 32-39 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,530,085 to Perlman in view of U.S. Patent 6,057,874 to Michaud in further view of U.S. Patent 6,239,718 to Hoyt. The rejection is respectfully traversed.

The rejection under 35 USC §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 20, and 39, above. Claims 8, 9, 13-19, and 27, 28, 32-39, are dependent upon independent Claims 1 and 20, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 USC §103(a).

V. MISCELLANEOUS

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

The Applicants believe that all issues raised in the Office Action have been addressed and that allowance of the pending claims is appropriate. Entry of the amendments herein and further examination on the merits are respectfully requested.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Reply. To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. § 1.136. The Commissioner is authorized to charge any fee that may be due in connection with this Reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

on October 20, 2004 (Date) by (Signature)